IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH MARCH, 2007 / 24TH PHALGUNA, 1928

WP(C).No. 22412 of 2006(R)

PETITIONERS:

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1. BABU.T., AGED 45,
   S/O.MATHAI THOMAS, BETTYLAND,
   KODUMON.P.O.,
   PATHANAMTHITTA DISTRICT.

2. ANIYAN M.D., AGED 48,
   S/O.DANIEL, SAMIVILLA,
   MUDIYOORKONAM.P.O.,
   PANTHALAM, PATHANAMTHITTA.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY SECRETARY,
   LOCAL SELF GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
   PATHANAMTHITTA.

3. THE SECRETARY,
   PANDALAM GRAMA PANCHAYATH,
   PATHANAMTHITTA DISTRICT.

4. THE SECRETARY,
   PUNALUR MUNICIPALITY.

5. THE ASSISTANT DIVISIONAL OFFICER,
   FIRE AND RESCUE SERVICE,
   PATHANAMTHITTA.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
SRI.B.KRISHNA MANI
SMT.S.SIBHA

BY SR.GOVT.PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.22412 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the letter submitted by R3 dtd.22.11.2005.

Ext.P2: Copy of the certificate from the Assistant Divisional Office, Fire & Rescue Service, dtd. 23.11.2005.

Ext.P3: Copy of the licence issued by R3 dtd.30.11.2005.

Ext.P4: Copy of the temporary licence for cracker business dtd.10.12.2004 issued by the Pathanamthitta Municipality.

Ext.P5: Copy of the complaint submitted before R2.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO.22412 OF 2006 R

Dated this the 15th day of March, 2007

J U D G M E N T

Petitioners claim to be the sellers of crackers and fire works during the festival season for which they obtain temporary licence under the Explosives Act and from the local authority for conducing the sale of the crackers and fire works. The complaint of the petitioner is that after issuing temporary licence for ten days, the officers of the Local Authority in the name of inspecting the premises of the petitioners harassed them for illegal gains. Petitioners submit that in view of this harassment, they have filed Ext.P5 representation before the second respondent- the District Collector, Pathanamthitta and they now seek a direction to the second respondent to consider and pass appropriate orders on Ext.P5 as expeditiously as possible.

2. The third respondent- the Secretary, Pandalam Grama Panchayath has filed a counter affidavit in which he contends that the petitioners have not filed any petition as contemplated under Section 232 of the Kerala Panchayat Raj Act.

3. Having heard learned counsel for the petitioners, learned Government Pleader and counsel for respondents 3 and 4 , I direct the second respondent- the District Collector to consider and pass orders on Ext.P5 as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. While disposing of Ext.P5, the District Collector shall afford an opportunity of being heard to the petitioners as well as respondents 3 and 4.

The writ petition is disposed of as above. Petitioners shall make available a copy of this judgment to the second respondent for information and compliance.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007